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July 8, 1997

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
Washington, D.C. 20554

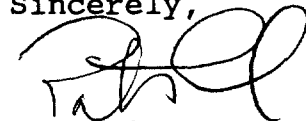
Re: Amendment of Section 73.202(b)
FM Table of Allotments
(Brinkley and Colt, Arkansas)

Dear Mr. Caton:

Transmitted herewith on behalf of East Arkansas Broadcasters Inc. is an original and four (4) copies of a Petition for Rule Making seeking to amend the FM Table of Allotments to substitute Channel 272C2 at Colt, Arkansas for 272A at Brinkley, Arkansas as a first local transmission service for Colt, and to modify the facilities of KQMC-FM to operate on Channel 272C2 at Colt, Arkansas.

Should any questions arise concerning this matter, please contact this office directly.

Sincerely,



Patricia M. Chuh

Enclosures

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
Amendment of Section 73.202(b)) RM _____
Table of Allotments)
FM Broadcast Stations)
(Brinkley and Colt, Arkansas))

To: Chief, Allocations Branch

PETITION FOR RULE MAKING

East Arkansas Broadcasters Inc., by its attorneys, hereby seeks the commencement of a rule making proceeding to amend the FM Table of Allotments, 47 C.F.R. Section 73.202(b), to substitute Channel 272C2 at Colt, Arkansas for 272A at Brinkley, Arkansas as a first local transmission service for Colt, and to modify the facilities of KQMC-FM to operate on Channel 272C2 at Colt, Arkansas, pursuant to Sections 1.401 and 1.420(i) of the Commission's Rules. As shown in the attached channel studies, this substitution and modification may be made in compliance with the Commission's current separation and allocation requirements.^{1/}

East Arkansas Broadcasters Inc. requests that the FM Table of Allotments be amended as follows:

<u>Community</u>	<u>Present Channel</u>	<u>Proposed Channel</u>
Brinkley, Arkansas	272A	--
Colt, Arkansas	--	272C2

^{1/} Channel 272C2 may be allotted at reference coordinates of N 34-58-10 W 90-51-07, which site is approximately 19 kilometers Southeast of the community of Colt.

Colt, Arkansas is a community for allotment purposes. Colt, Arkansas is an incorporated city with a population of 334 persons (1990 U.S. Census). Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88, 100 (1982) (requirement of an allocation to a community is generally satisfied if the community is either incorporated or listed in the U.S. Census). Colt, Arkansas has its own post office and is self-governing with its own mayor, city council, fire department, and water system. Further, there are several churches, grocery stores, banks, restaurants, and other businesses and organizations that serve the community of Colt, Arkansas (e.g., First National Bank of Eastern Arkansas, Rubatex Rubber Products, Ted's Marine and Sporting Goods, Hobbs Farm Equipment, Ben's Auto Sales and Service, Clegg Service Station, Exxon Circle "N" Convenience Store, Mike Family Foods, Mike's Restaurant, Davis and Son Feed and Seed and Bait Shop, Wilkins Outlet). Many of these businesses and organizations incorporate the community's name in its business or organization. Some examples are: Colt Community Center, Colt Development Council, Colt Baptist Church, Colt Methodist Church, Colt Pentecostal Church, and Colt Flying Service. See Kenansville, Florida, 10 FCC Rcd 9831 (1995) (existence of a number of organizations that incorporate the community's name is indicative of community status).

The substitution of Channel 272C2 at Colt, Arkansas for 272A at Brinkley, Arkansas would also be a preferential arrangement of allotments. When a petitioner requests a change in community of

license involving a change in class of channels, the Commission considers "the totality of the service improvements resulting from a proposed change in community of license." Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License, 4 FCC Rcd 4870 (1989). The Commission uses its allotment priorities in deciding these cases. Id.; FM Table of Allotments (Willows and Dunnigan, California), 10 FCC Rcd 11522, para. 15 (1995) (the Commission uses its FM allotment priorities to compare the existing arrangement of allotments against the proposed allotment plan). The Commission will adopt a proposed allotment plan if it advances the Commission's allotment priorities (i.e., provides a net benefit in service for the communities involved). 4 FCC Rcd at 4873.^{2/} Similarly, the Commission's adoption of East Arkansas Broadcasters Inc.'s proposed allotment plan to substitute Channel 272C2 at Colt, Arkansas for 272A at Brinkley, Arkansas, and to modify KQMC-FM's facilities to specify operation on Channel 272C2 at Colt, Arkansas, will result in a preferential arrangement of allotments.

As noted in the attached technical report, the proposed allotment plan will encompass a population of 101,838 within the

^{2/} The Commission's FM allotment priorities are detailed in Revision of FM Assignment Policies and Procedure, 90 F.C.C. 2d 88 (1982); Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License, 4 FCC Rcd 4870 (1989). The allotment priorities are: (1) first full-time aural service; (2) second full-time aural service; (3) first local service; and (4) other public interest factors. Equal weight is given to the second and third priorities.

60 dBu contour and an area of 8,560 square kilometers based on a maximum, uniform C2 52.2 km contour. East Arkansas Broadcasters Inc.'s proposed allotment plan will result in a net increase in service to 92,740 persons or a 1,019% gain over KQMC-FM's currently licensed class A facility.^{3/} The gain in area would be 7,412 square kilometers or 646%. The proposed substitution and modification will also provide 70 dBu service and line of sight to Colt, Arkansas and there will also be no loss of population as a result of the proposed allotment. Most importantly, East Arkansas Broadcasters Inc.'s proposed allotment plan will provide Colt, Arkansas with its first local service, fulfilling the Commission's third priority for FM allotments. At the same time, Brinkley, Arkansas would continue to receive local aural transmission service from KBRI(AM), Brinkley, Arkansas. Therefore, the objectives of 47 U.S.C. § 307(b) will be served by substituting Channel 272C2 at Colt, Arkansas for 272A at Brinkley, Arkansas, and modifying the facilities of KQMC-FM, Brinkley, Arkansas to specify operation on Channel 272C2 at Colt, Arkansas.

East Arkansas Broadcasters Inc. hereby states its intention to file an application seeking to modify the facilities of KQMC-FM to operate on Channel 272C2 at Colt, Arkansas when allotted, and to modify the facilities of KQMC-FM promptly when authorized.

^{3/} East Arkansas Broadcasters Inc. presently has on file at the Commission a one-step application seeking to modify the construction permit for KQMC-FM, Brinkley, Arkansas to specify operation on Channel 272C2 (BPH-951013ID). This minor modification application is still pending due to FAA concerns.

WHEREFORE, for the reasons above, the commencement of a rule making proceeding to amend the FM Table of Allotments is respectfully requested.

Respectfully submitted,

EAST ARKANSAS BROADCASTERS INC.

By: 

John F. Garziglia
Patricia M. Chuh
Its Attorneys

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Date: July 8, 1997

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TECHNICAL REPORT

This technical report has been developed on behalf of the licensee of station KQMC-FM at Brinkley, AR requesting the reallocation of the station to provide a first service at Colt, AR and its simultaneous upgrade to provide a substantial increase in service area and population.

I. REALLOCATION ANALYSIS

Exhibit E-1 demonstrates that KQMC-FM's facility may be upgraded to 272C2 and reallocated to Colt, AR (community reference point of N 35-07-48 W 90-48-42) in compliance with all Commission separation and allocation requirements at coordinates:

N34-58-10 W 90-51-07 (18.2 km south -191.6 Deg-of Colt, AR).

At this location, the proposed allotment will provide 70 dBu service and line of sight to Colt (see Exhibit E-3). Exhibit E-2 demonstrates that the proposed allocation will also encompass all but a small segment (approximately 8 square kilometers) of the existing KQMC-FM licensed 60 dBu based on an assumed maximum C2 facility with a uniform 52.2 km 60 dBu contour. Based on the V-Soft Communications ComparPop program, no population loss would occur.

The proposed allocation of 272C2 to Colt, AR will also provide a first local service to Colt (1990 population of 334) fulfilling the Commission's third priority for FM allocations. At the same time Brinkley, AR will retain a local aural transmission service from KBRI(AM).

It is also evident from E-1 that the 272C2 allocation is entirely mutually exclusive with the licensed KQMC-FM facility on 272A.

II. POPULATION AND AREA GAINS

The upgrade of KQMC-FM as proposed herein will result in a population within the 60

dBu contour of 101,838 and an area of 8, 560 square kilometers based on a maximum, uniform C2 52.2 km contour. The population represents a net increase of 92,740 or a 1,019% gain over the licensed class A facility. The gain in area would be 7,412 square kilometers or 646%.

SUMMARY OF PROPOSAL

Community	Present	Proposed	Coordinates
Colt, AR	-----	272C2	N 34-58-10 W 90-51-07
Brinkley, AR	272A	-----	

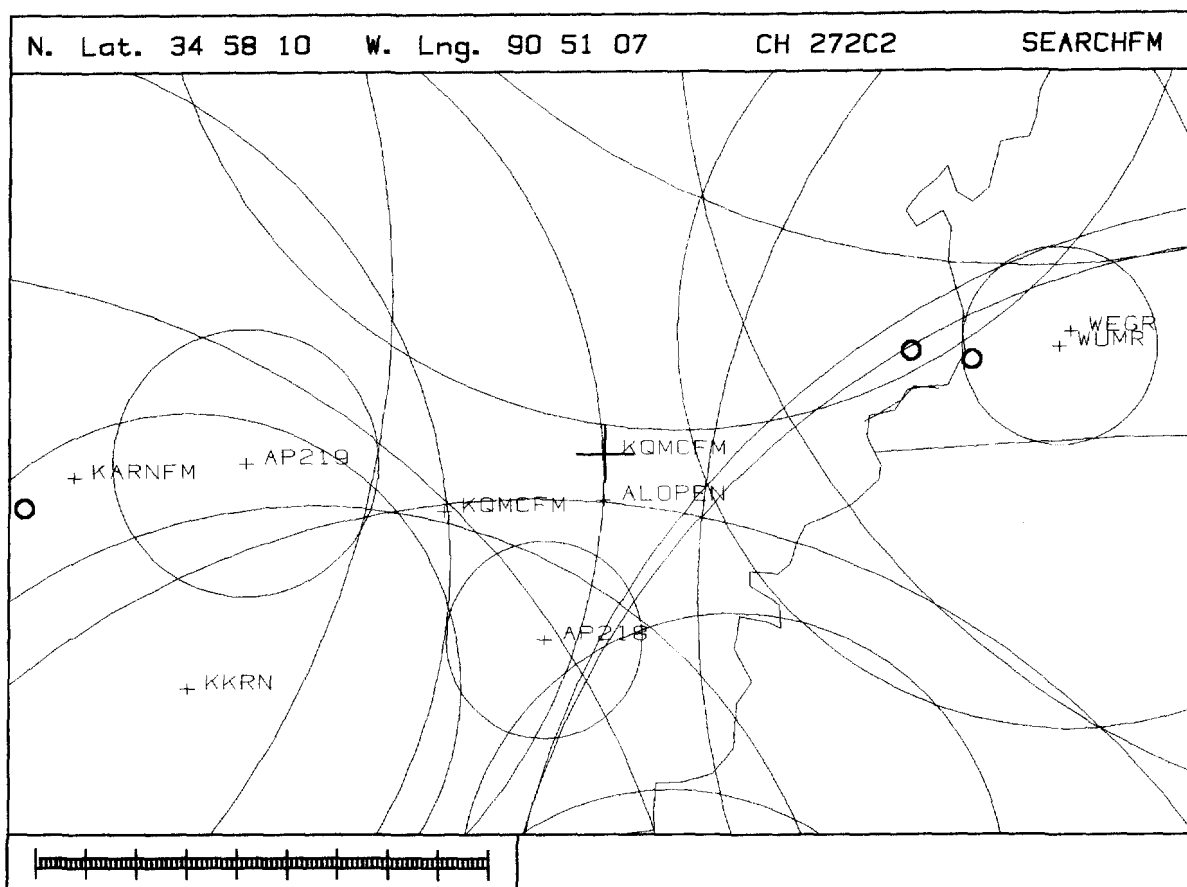
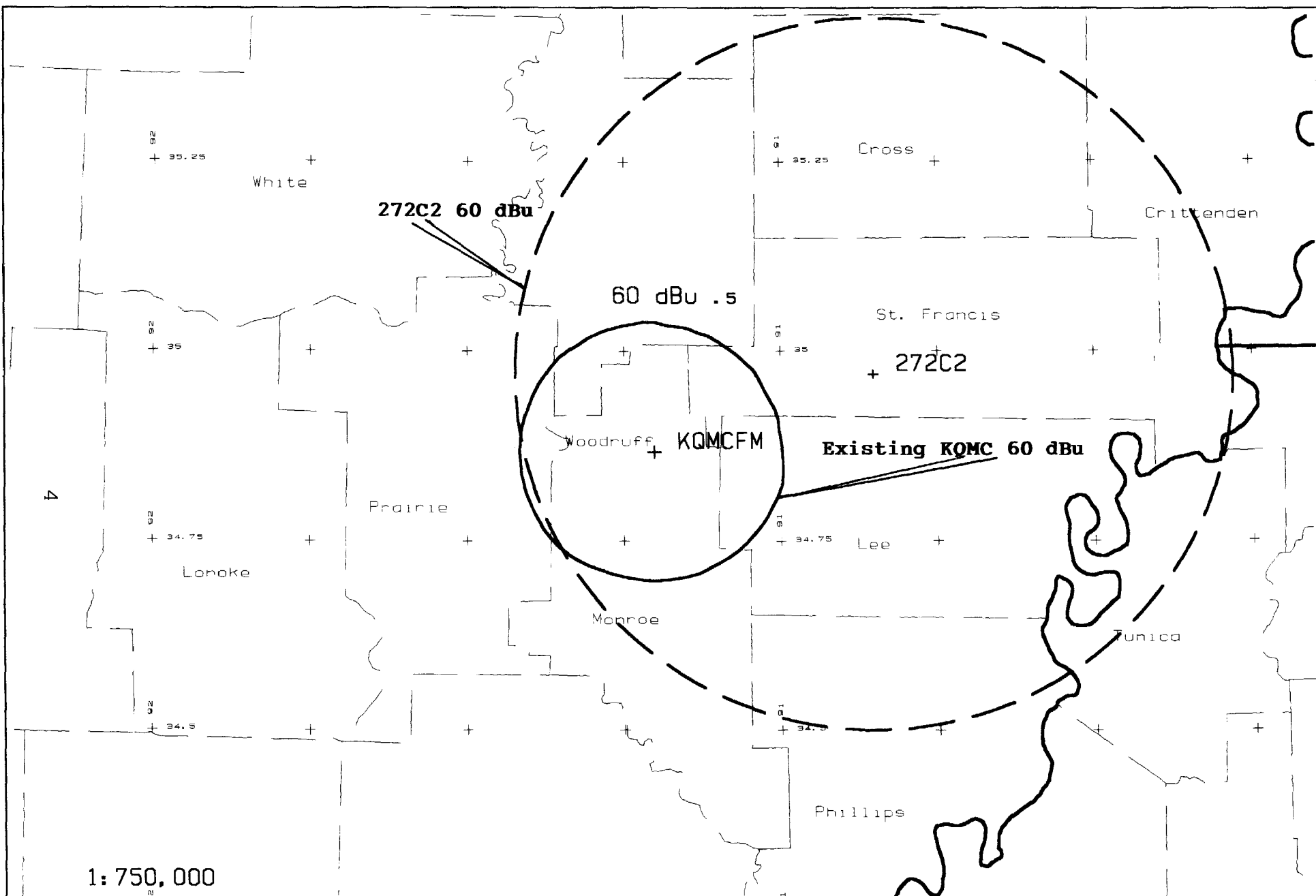
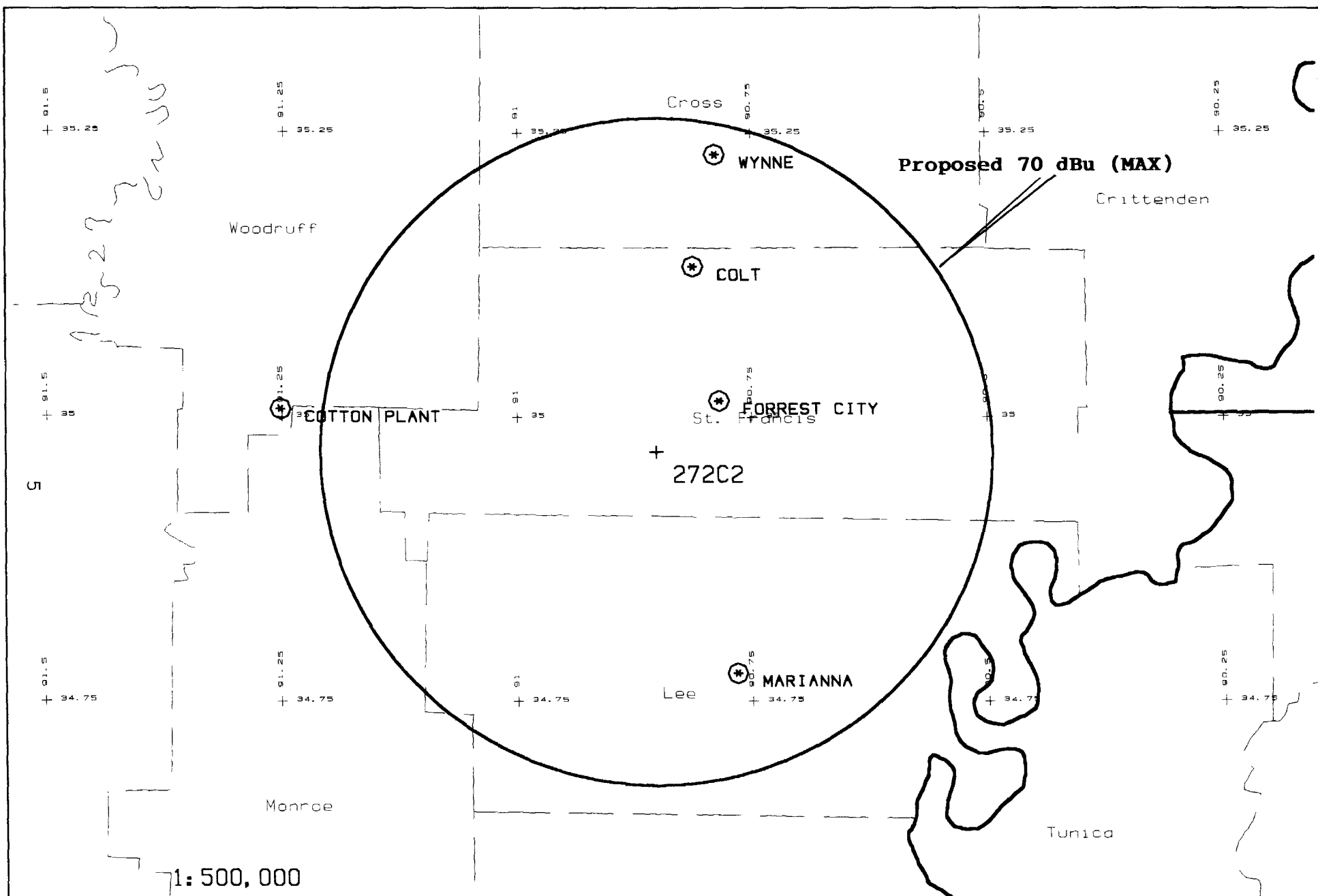


EXHIBIT E-1

Call	CH#	Location		D-KM	Azi	FCC	Margin
KQMC FM	272C2	Brinkley	AR	0.00	0.0	189.5	-189.50
ALOPEN	272C2	Brinkley	AR	9.09	181.3	189.5	-180.41
KQMC FM	272A	Brinkley	AR	33.86	250.5	165.5	-131.64
KARNFM	273A	Cabot	AR	105.81	267.5	105.5	0.31
KIYS	270C	Jonesboro	AR	110.15	7.4	104.5	5.65
WIQQ	272A	Leland	MS	175.00	184.8	165.5	9.50
WEGR	274C1	Memphis	TN	95.92	75.5	78.5	17.42
AP218	218C2	Marvell	AR	38.65	197.9	19.5	19.15
AP272	272A	Calhoun City	MS	184.96	128.4	165.5	19.46
WKZU	272A	Ripley	MS	186.12	98.7	165.5	20.62
WKZU. A	272A	Ripley	MS	186.12	98.7	165.5	20.62
ALOPEN	272A	Calhoun City	MS	188.00	130.8	165.5	22.50
KAFN. C	273A	Gould	AR	129.40	206.6	105.5	23.90
KQEW	272A	Fordyce	AR	194.67	228.7	165.5	29.17
KESR	271A	Sherwood	AR	137.84	261.0	105.5	32.34
WWUNFM	269A	Clarksdale	MS	89.95	163.4	54.5	35.45
WZDQ	272A	Humboldt	TN	201.14	63.4	165.5	35.64
KKRN	269A	Humoke	AR	95.08	240.8	54.5	40.58
KCJC	272C3	Dardanella	AR	221.03	278.2	176.5	44.53
AP219	219C1	Des Arc	AR	71.52	268.6	26.5	45.02
KDEXFM	272A	Dexter	MO	219.14	22.5	165.5	53.64
WZYQ. C	270A	Mound Bayou	MS	121.55	173.7	54.5	67.05
WUMR	219C2	Memphis	TN	92.99	76.9	19.5	73.49



<p>1:750,000</p> <p>Scale in km</p> <p>0 10 20 30 40</p>	<p>KQMC FM 272A 3kW 114M AMSL</p> <p>N. Lat. 34 52 02 W. Lng. 91 12 04</p>	<p>EXHIBIT E-2</p> <p>- 06/97</p>
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CERTIFICATION

Charles M. Anderson hereby certifies that;

His qualifications in broadcast allocation matters are a matter of record before the Federal Communications Commission having been presented and accepted on many occasions in the past;

That he holds a lifetime General Radiotelephone license (#PG-6-7352) , a bachelors degree in the physical sciences from Western Kentucky University, and advanced degrees from the University of North Carolina and Indiana University;

That the accompanying technical report and exhibits were developed by him personally or under his immediate supervision and that all the information presented therein is true and correct to the best of his knowledge and belief.

/s/ 
Charles M. Anderson

June 13, 1997

Disclaimer: Charles M. Anderson assumes no liability for any errors or omissions in the information, exhibits and report provided herein; and, shall not be liable for any injuries or damages (including consequential) which might result from use of said information, exhibits and report. Filing of this report with the Federal Communications Commission constitutes acceptance in full of the terms and conditions stated above.

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